

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RENDELL ROBINSON,

Plaintiff,

v.

**9:13-CV-1213
(TJM/TWD)**

**LORENZO A. BALLARD, TIMOTHY
HOLMES, MICHAEL J. WOJTANOWSKI,
STEPHEN J. STRASSBERGER, JOSEPH
BELLNIER, JOHN DOE HARPER, JOHN
DOE CORY, BRIAN HILTON, JOHN
DOE KALIES, ERIC ONYAN, ARDUINO
A. CACCIOTTI, JR., JOHN DOE
MCARDLE,**

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Thérèse Wiley Dancks, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to Magistrate Judge Dancks' March 9, 2015 Order and Report-Recommendation [dkt. # 38] have been filed, and the time to do so has expired.

II. DISCUSSION

After examining the record, this Court has determined that the Order and Report-

Recommendation is not subject to attack for plain error or manifest injustice.

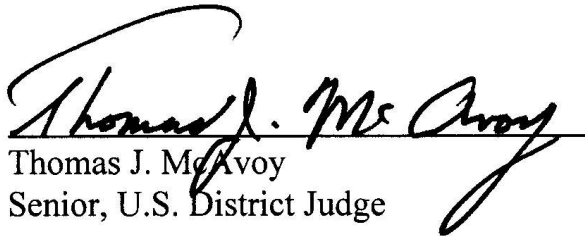
III. CONCLUSION

Accordingly, the Court **ADOPTS** the Order and Report-Recommendation [dkt. # 38] for the reasons stated therein. Therefore, it is hereby

ORDERED that Defendants' motion to dismiss for failure to state a claim (Dkt. No. 27) is **DENIED**.

IT IS SO ORDERED.

Dated: March 27, 2015


Thomas J. McAvoy
Senior, U.S. District Judge